IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.783 OF 2007

The State of Maharashtra ..Applicant

Vs.

Shri.Laljibhai Savalia ..Respondent

...

Mr.V.B.Konde-Deshmukh A.P.P. for the Applicant-State
Malika Kasle advocate for respondent

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 06, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The State has preferred this application for cancellation of anticipatory bail granted to the respondent. The said anticipatory bail was granted by the learned Sessions Judge by order dated 14.11.2006 in MECR No. 14 of 2006 which was investigated by D.B.Marg Police Station. The said case is under Sections 409, 420 and 411 of IPC.

3. The prosecution case is that one Raghuvir Singh committed criminal breach of trust in respect of diamonds of the complainant Shri.Patel. The value of the diamonds was approximately Rs.35 lakhs. Though these diamonds were disposed of by co-accused Gohil, out of the said diamonds, diamonds worth about Rs.5.35 lakhs were given to one Ashok Khatri. It is the prosecution case that diamonds worth Rs.5 lakhs were pledged by Ashok Khatri with the present applicant. Hence, custody of the applicant was sought. There is no reliable and admissible material to show that the applicant was receiver of the stolen property worth about Rs.5 lakhs. The applicant is over 62 years of age. Besides this case, the present applicant has a clean record. There are no allegations against the applicant that he has tampered with any of the witnesses or he was not available for investigation.

4. I have perused the order passed by the learned Sessions Judge. It is also observed therein that there is no reliable or credible material before the investigating agency to come to the conclusion that diamonds worth about Rs.5 lakhs were pledged

by the co-accused with the applicant. It is also observed therein that the applicant is about 62 years of age. Looking to all the above facts, I do not think that this is a fit case to cancel the bail.

5. Application is rejected.

[Smt.V.K.Tahilramani, J.]